



UNITED STATES DEPARTMENT OF JUSTICE

OGC SUBJ: LITIGATION
CIVIL

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

BBW:LB:BRT
60-235-38

August 14, 1972

Lawrence R. Houston, Esquire
General Counsel
Central Intelligence Agency
Washington, D. C. 20505

Re: United States v. International
Business Machines Corporation,
69 Civ. 200, S.D. N.Y.

Dear Mr. Houston:

MAKCH

As you are aware, Chief Judge David N. Edelstein entered an order dated May 21, 1972 (Pretrial Order No. 2), which, among other things, required the Central Intelligence Agency to produce to defendant in the above-captioned case, for inspection and copying, certain documents of your agency relating to electronic data processing.

Thereafter, by its motion dated April 27, 1972, the United States requested the Court to defer the question of the Government's production of "national security" documents of CIA, which would otherwise be produced pursuant to Pretrial Order No. 2. The Court, at the hearing of this motion on May 10, 1972, deferred the production of national security document, as we requested, until a later, unspecified time when IBM's need for such documents in its defense could be more precisely identified.

The Government is required to identify in due course documents which it withholds from production under a court order on claim of privilege. Accordingly, we would appreciate your preparing a schedule listing and describing each document withheld from production on such ground. The schedule should contain the following items of information with respect to each document, insofar as such information can be supplied without violating national security interests:

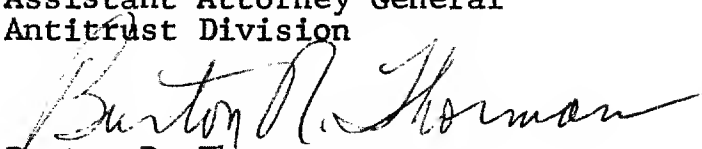
1. Type of document (e.g., letter, memorandum, report, study, etc.).
2. Date of document.
3. Originator of document.
4. Recipient of document.
5. General subject matter of document.
6. Nature of the national security interest that militates against the production of the document.

If you conclude that the publication of such a document list, by delivering it to IBM and filing it in court, would itself raise problems of security as to some or all of the documents involved, please advise us promptly so that we may be prepared to respond to any inquiries by the Court on this subject.

Any questions you may have concerning this subject matter may be directed to Mr. Grant G. Moy, Jr., of my staff, at 739-2446.

Sincerely yours,

BRUCE B. WILSON
Acting Assistant Attorney General
Antitrust Division


By: Burton R. Thorman
Assistant Chief
Special Litigation Section

STATINTL

8/21/72 [] - OCS

They have 25 or 30 documents. Most would be no ~~probable~~ problem - in fact many probably should not be classified at all.

STATINTL

8/22 [] - CS They have no documents

STATINTL

8/21 [] - OPFB (covers DCI area) 39 documents of which 5 unclassified.

STATINTL

8/25 [] - DDI -

2 documents - can provide ident. info - JAY will send note giving requested identifying information

STATINTL

11/2/73 [] - DDP says they did not withhold any docs.